

REMARKS

Claims 22, 23, and 25-42 remain pending and under examination. Applicants respectfully traverse the rejection made in the Final Office Action, wherein the Examiner rejected claims 22, 23, and 25-42 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,336,035 ("*Somaza*") in view of U.S. Patent No. 5,987,328 ("*Ephremides*").

Rejection of Claims 22, 23, and 25-42 under 35 U.S.C. § 103(a):

Applicants request reconsideration and withdrawal of the rejection of claims 22, 23, and 25-42 under 35 U.S.C. § 103(a) as being unpatentable over *Somaza* in view of *Ephremides*.

The Final Office Action alleged that *Somaza* in view of *Ephremides* renders Applicants' claims 22, 23, and 25-42 obvious. *See* Final Office Action, pages 2-13. Specifically, the Final Office Action alleged that *Somaza* teaches the elements of claim 22 at col. 1, lines 52-65, Figs. 3A-3C, col. 7, lines 3-43, and col. 5, line 63 to col. 6, line 27 of *Somaza*. *See* Final Office Action, page 3. These allegations are incorrect.

Contrary to these allegations, *Somaza* does not disclose or suggest at least Applicants' claimed "step of defining a joint cost function to be optimized, the joint cost function being indicative of a quality of service of location-based services and at least one additional class of services rendered by the network, the at least one additional class of services being selected from a group of voice services and data services," as recited in claim 22 (emphases added).

The Final Office Action alleged that *Somaza*'s disclosure of "adding equipment and other resources to their [service providers'] system to accommodate more users and provide better service coverage for subscribers" (*Somaza*, col. 1, lines 56-58) constitutes the claimed "defining a joint cost function to be optimized." *See* Final Office Action, page 3. Further, the Final Office Action alleged that *Somaza*'s Fig. 3C shows a cost comparison chart discloses the claimed "quality of service of location-based services." *See id.* These allegations are incorrect.

Somaza's system does not include any "joint cost function," as recited in claim 22. In *Somaza*, adding equipment and other resources to existing system to accommodate more users does not constitute the claimed "defining joint cost function to be optimized," at least because the "adding" process disclosed by *Somaza* does not involve any steps of defining a function to be optimized. In addition, the network costs shown in Fig. 3C of *Somaza* refer to price or money to be paid (*see, e.g., Somaza*, Fig. 3C, vertical axis of the COST COMPARISON chart showing "COST \$US"). Such costs do not indicate "quality of service" recited in claim 22, and therefore cannot constitute the claimed "joint cost function."

In contrast, Applicants' claimed "joint cost function" is clearly defined in the originally-filed specification at page 8, equation 1, as "characterised by merit functions for voice, data and location services" and in that it "point[s] out a merit value (e.g. QoS) as some combination of other related parameters." Specification, page 8, lines 4-13 (emphases added). In other words, Applicants' claimed "joint cost function" is a "function" related to a merit value which is determined by input parameters. The claimed "joint cost function" therefore has nothing to do with the "costs" disclosed in *Somaza*.

Moreover, *Somaza* does not disclose "quality of service of location-based services," as recited in claim 22 (emphasis added). The "quality of service" disclosed in col. 7, line 23 of *Somaza* does not specify that such "quality of service" refers to "quality of service of location-based services." In fact, *Somaza* merely discloses that quality of service may be one of the factors a user may consider when planning a wireless network (*see Somaza*, col. 7, lines 19-24), but does not disclose in particular the types of quality of service, such as quality of service of "location-based services," "voice services," and "data services," as recited in claim 22. As such, *Somaza* fails to disclose Applicants' claimed "joint cost function ... indicative of a quality of service of location-based services and at least one additional class of services rendered

by the network, the at least one additional class of services being selected from a group of voice services and data services,” as recited in claim 22 (emphases added).

The Final Office Action applies *Ephremides* against the last element of claim 22, after admitting that “Somaza does not explicitly show optimizing, by the computer, the joint cost function.” Final Office Action, page 3. *Ephremides*, however, does not cure the deficiencies of *Somaza* discussed in the previous paragraphs. For example, *Ephremides* discloses a “method for placement of transmitters in an indoor or outdoor wireless network to optimize coverage.” *Ephremides*, col. 1, lines 6-8 (emphasis added). Therefore, even though *Ephremides* may disclose some optimization, such optimization is for optimizing “coverage” instead of “joint cost function” recited in claim 22. In addition, *Ephremides* also fails to teach or suggest at least Applicants’ claimed “step of defining a joint cost function to be optimized, the joint cost function being indicative of a quality of service of location-based services and at least one additional class of services rendered by the network, the at least one additional class of services being selected from a group of voice services and data services,” as recited in claim 22 (emphases added)

Thus, the Final Office Action has neither properly determined the scope and content of the prior art, nor properly ascertained the differences between the prior art and the claimed invention. See M.P.E.P. § 2141(II). In view of the reasoning presented above, Applicants therefore submit that independent claim 22 is not obvious over *Somaza* and *Ephremides*, whether taken alone or in combination. Independent claim 22 should therefore be allowable. Dependent claims 23 and 25-42 should also be allowable at least by virtue of their respective dependence from base claim 22, and because they recite additional features not taught or suggested by *Somaza* and *Ephremides*. Accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection.

Conclusion:

Applicants request reconsideration of the application and withdrawal of the rejection. Pending claims 22, 23, and 25-42 are in condition for allowance, and Applicants request a favorable action. This Request for Reconsideration after Final does not raise any new issues or require the Examiner to undertake another search of the art, and should therefore allow for immediate and favorable action.

The Final Office Action contains statements characterizing the related art and the claims. Regardless of whether any such statements are specifically identified herein, Applicants decline to automatically subscribe to any statements in the Final Office Action.

If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

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